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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,391	12/16/2003	Giuseppe Acciari	71234	7627

23872 7590 06/22/2005  
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EXAMINER

KIM, SANG K

ART UNIT PAPER NUMBER

3654

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/737,391	Applicant(s) ACCIARI, GIUSEPPE	
	Examiner SANG KIM	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on Election 5/2/05.  
 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
     4a) Of the above claim(s) 4-6, 12-14 and 16-19 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-3, 7, 8, 10, 11 and 15 is/are rejected.  
 7) ☒ Claim(s) 9 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:  
         1. ☒ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/16/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### ***Election/Restrictions***

Applicant's election of Species III (drawn to figures 6-8) in the reply filed on 5/2/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse.

Applicant indicates in the election that claims 1-4, 7-11 and 15 are readable on the elected species. Applicant believes that claims 1-2 and 16 are generic. As indicated in the previous Office Action that only claims 1-2 are generic. Claim 16 cannot be generic because Species I has two winding rollers and Species II and III have one winding roller. Furthermore, claim 4 is not readable on the elected species because it is drawn to Species I (i.e., two winding rollers forming a winding cradle).

Claims 4-6, 12-14 and 16-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/2/05.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-8 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hartley et al., U.S. Patent No. 5823461.

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With respect to claims 1-3, Hartley '461 shows a winding machine, a web material (10) to form a roll (24) around a winding spindle (26); a roller (54) contacting the winding spindle (26); a transverse cutting element (42) to cut the web material and forming an initial free end (16), said initial free end being inserted between said roller (54) and said winding spindle (26); an electrostatic bar (50); and said roller (54) in contact with the spindle (26) and made at least partially of non-electrically conductive material, in column 4, lines 65-67 and see figures 1-5.

With respect to claim 7, Hartley '461 shows a support (21) for said winding spindle (26), see figure 1.

With respect to claim 8, Hartley '461 shows a moving assembly (40) carrying said transverse cutting element (42) and said electrostatic bar (50), said assembly (40) oscillating around an axis parallel to the axis of rotation of said winding roller (26) to cut the web material and fasten the web material around said winding spindle , see figures 1-5.

With respect to claims 10-11, Hartley '461 shows the moving assembly (40) with a pair of guiding rollers (using 30 and 54) and the transverse cutting element (42) is in-between the guide rollers (i.e., since the cutting element is located above the center point of the roller 54, thus the cutting element is located in between the guiding rollers), see figures 2 and 4.

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hartley et al., U.S. Patent No. 5823461, in view of Yuuki et al., U.S. Patent No. 6739544 B2.

With respect to claim 15, Hartley '461 teaches said roller (54) formed at least partially in non-electrically conductive material has a cylindrical surface constituted by a synthetic material (i.e., a cushion of rubber 56 or similar material), Merriam-Webster defines synthetic as: produced by chemical or biochemical or artificially, see column 4, lines 65.

Hartley '461 does not explain whether the rubber material is reinforced or not.

Yuuki '544 teaches cores 46 and 48 is styrene-butadiene rubber containing a reinforced fiber, on column 5, lines 45-49.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to reinforce the rubber of Hartley '461 as taught by Yuuki '544 since reinforcing the rubber would provide durability to the rubber.

### ***Allowable Subject Matter***

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

6/9/05

  
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